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“LE NOUVEAU CYNÉE”

Among important events in the development of international arbitration from a merely idealistic theory into a concrete part of modern civilization, the publication of “*Le Nouveau Cynée*” of Émeric Crucé at Paris in 1623, “*au Palais sur le perron royal*,” is a fact of notable importance. The contents of the book is well summarised in its rather long title, “*Le Nouveau Cynée ou Discours d’Estat représentant les occasions et moyens d’establir une paix generale, et la liberte du commerce par tout de monde.*” Not only was permission granted by the French Government for the publication of this book at Paris, but further, it was published “*Avec Privilege du Roy.*” This royal privilege of copyright, which was granted on November 26th, 1622, secured to the publisher the sole right of printing the book for the space of six years from the date of the grant. There is a copy of this rare book in the National Library at Paris, which was probably deposited there at the time the book was printed to secure the copyright privilege. Another copy came to the Harvard University Library in 1873 among the books of Charles Sumner. The Harvard copy was bought in a stall on one of the Paris quais, probably by George Sumner and sent by him to the Senator. At the time of its publication the author was unknown. Later, publicists believed that he was named Emory de la Croix. Sumner wrote with his own hand in his copy of Crucé’s book: “This very rare book is supposed to be by Emeric de la Croix, born 1590 — date of death unknown.” Sumner never knew the author’s real name, as it was not discovered by Judge Nys, of the Court of Appeals of Brussels, until many years after the Senator’s death.

In “*Le Nouveau Cynée*,” which was printed two years before Hugo Grotius, the father of the science of the Laws of Nations, gave at Amsterdam to the world his great treatise on “The Laws of Peace and War,” Émeric Crucé not only argued in favor of the advantages that would accrue to humanity from a substitution of international peace for the habitual state

of war in which some part of the world was engaged pretty much all the time in his day, but also he proposed, in order to settle the disputes between sovereigns leading to war, the establishment, at some convenient and neutral city, of a permanent Court of International Arbitration. With whom the idea of international arbitration originated — an idea that is expressed by the Jewish prophets Micah and Isaiah in the Old Testament — we shall probably never know. But it is a fact that the all but forgotten Paris publicist, Émeric Crucé, did propose back in the first quarter of the seventeenth century such a Permanent International Court of Arbitration, as the delegates of the Nations who, in answer to the irenikon of the Emperor Nicholas the Second, in 1898, gathered the next year at the Dutch capital, and under the energetic impulse of the United States delegation, set up the Permanent International Court at the Hague. The Paris publicist in "*Le Nouveau Cynée*" urged that all the sovereigns of the world, both princes and republics, of Europe, America, Africa and Asia, should have ambassadors at some neutral city permanently; and that when any dispute arose between any two or more sovereigns, that the ambassadors of the disputants should represent, as advocates, their respective sovereigns, pleading their cause before the ambassadors of the other sovereigns who were not parties to the question at issue, and should render judgment between the parties to the dispute. As to the enforcement of the judgment, Crucé thought that the prestige of such a notable company would carry much weight, and that in any case, if any litigant rebelled against a judgment of this Court, means could be found to compel him to bow to the decree. Thus in this plan for an International Court to judge between the sovereigns of the world, we find sketched out the actual existing Permanent International Tribunal of The Hague.

The plan of arbitration propounded in the "*Nouveau Cynée*," though its author's name was not known till long afterwards, found among savants and thinkers a fruitful soil in which to germinate. In a letter to l'Abbé Castel de Saint-Pierre concerning his "*Paix Perpétuelle*," Leibniz refers to "*Le Nouveau Cynée*." "When I was very young," Leibniz says, "I knew a

work entitled '*Le Nouveau Cynée*,' whose unknown author counselled sovereigns to rule their states in peace and to submit their differences to an established tribunal; but I do not know how to find this book and I do not remember now any details. It is known that Cineas was a confidant of King Pyrrhus who advised the latter to rest himself at first, as it was his object, as he confessed it, when he had conquered Sicily, Rome and Carthage."

Between the theoretical plan of Émeric Crucé, and the accomplished result of the Emperor's irenikon, there are many points of resemblance. Crucé proposed Venice as the seat of the International Court, because it was conveniently located, and, owing to the natural protection afforded by the sea, a neutral town. To-day, Holland, in whose capital city, the existing International Court has its home, is, owing to its position between many of the great powers of Europe, almost as well protected against foreign domination as was the Venice of Crucé's time. Again, in order to bring an agreement for a general peace, Crucé thought that the French King especially could take the lead in bringing that beneficent and desirable end about. So in the establishment of The Hague Tribunal, it was the present Russian Emperor who made the appeal to the world that set in motion the forces that made that precious possession of humanity an accomplished fact. There are many other points of similarity between Crucé's design and the actual realization, owing to the Russian Emperor's appeal, into an accomplished fact of the Paris publicist's idea.

The development of every science is due to successive discoveries made by many scholars; the later workers making use of the discoveries of their predecessors. And so in the development of international arbitration as an active part of our present every-day civilization, the credit for it cannot be given to any one man. As Émeric Crucé had predecessors who broke the ground for him, so he had many successors who helped to polish his project to secure a nearer approach of international peace. Some of these men, to mention only some of the dead, were William Penn, Castel de Saint-Pierre, Benjamin Franklin, William Ladd, Charles Sumner, Richard Cobden, Thomas

Balch, Francis Lieber, James Lorimer, David Dudley Field, Bancroft Davis, Emile Baron De Laveleye, Ivan de Block, Grover Cleveland, William McKinley, Frederick W. Holls. And others who are now at work or others still to be born, will, let us hope, bring about a lessening of armed strife between the Nations, bowing more and more before international justice.

Two and three quarters centuries — the elapsed time between the proposal of Émeric Crucé of a Court of the Nations at Venice, and the setting up of The Hague Tribunal — is long in the period of recorded history. "The mills of the gods grind slowly but exceedingly small." What at the beginning of that period, in 1623, was looked upon as a visionary dream, at its end, in 1899, became a reality. While war has not been done away by international arbitration, the many international cases within a little more than a century that have been so settled, prove that as a possible way of avoiding war, international arbitration has become an accomplished fact. And among the men who have secured that beneficent development of civilization, the name of the Paris publicist, Émeric Crucé, is entitled to a high rank.

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